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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,628	04/19/2004	William Welch		1297
45352	7590	05/16/2006		
THE INVENTORS NETWORK, INC. 332 ACADEMY STREET CARNEGIE, PA 15106			EXAMINER JIANG, CHEN WEN	
			ART UNIT 3744	PAPER NUMBER

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/826,628	Applicant(s) WELCH, WILLIAM	
	Examiner Chen-Wen Jiang	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20040419</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
2. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Read (U.S. Patent Number 5,917,416) in view of Finnegan et al. (U.S. Patent Number 4,482,785).

Read discloses a temperature alarm system for cooler, refrigerator and freezer. Referring to Figs.1 and 2, the system comprises a housing 34, photocell 22, thermocouple probe 16, thermocouple cable 30, thermostat 46B, buzzer alarm 46A and alarm light 126. The temperature-sensing unit senses a temperature that violates a preset alarm limit; it generates an alarm signal (ALARM) on line 18. The alarm signal is coupled to an alarm circuit 20 (also referred to as an alarm) via line 18. The alarm generates a visual and/or audible warning in response to the alarm signal. Read also discloses the device is powered by the housing electricity in the prior art. However, Read does not disclose capillary bulb thermostat. Finnegan et al. discloses capillary

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bulb thermostat in the same field of endeavor as alternative sensor. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Read with a capillary bulb thermostat in view of Finnegan et al. so as an alternative sensor.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Read/Finnegan et al. as applied to claims 1 and 2 above, and further in view of Boyd (U.S. Patent Number 4,144,532).

Read/Finnegan et al. disclose the invention substantially as claimed. However, Read/Finnegan et al. do not disclose test switch. Boyd discloses test switch in the same field of endeavor for the purpose of testing the device. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Read/Finnegan et al. with a test switch in view of Boyd so as to improve the safety.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Read/Finnegan et al./Boyd as applied to claims 1-3 above, and further in view of Akisawa (JP 2001154676).

Read/Finnegan et al./Boyd disclose the invention substantially as claimed. However, Read/Finnegan et al. do not disclose volume adjustable alarm. Akisawa discloses volume adjustable alarm in the same field of endeavor for the purpose of changing volume. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Read/Finnegan et al./Boyd with a volume adjustable alarm in view of Akisawa so as to change the alarm volume.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chen-Wen Jiang whose telephone number is (571) 272-4809.

The examiner can normally be reached on Monday-Thursday from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chen-Wen Jiang
Primary Examiner

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned to the right of the name and title.